

Eric Glover
2689 Dalisay Street
San Diego, California 92154

FILED

08 MAY 21 PM 3:34

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AY: *Ece*
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

'08 CV U 906 JM LSP

**DEUTSCHE BANK TRUST
COMPANY AMERICAS**

) Case no. _____
)
)
) *Notice of Removal State Court Civil Proceeding*
) Case No. 37-2008-00030959-CL-UD-SC
) 28 U.S.C. 1446 Act of Legislature
)

Plaintiffs

) All Parties have been Currently served

v

JOHN OTTEN, ERIC GLOVER
and DOES 1 to 5, Inclusive

Defendants/ Respondents

NOTICE TO ALL PARTIES.

PLEASE TAKE NOTICE

ERIC GLOVER in his own stead REMOVAL OF CASE FROM STATE COURT. Sec. 1441-(6) procedure for removal. (a) A defendant or defendants desiring to remove any civil action from a State court shall file in the District Court of the United States for the State Division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain

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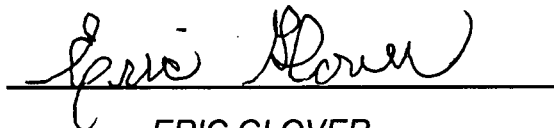
1 *statement of the grounds for removal, together with a copy of all process, pleadings, and*
2 *orders served upon such defendant or defendants in such action. further the case listed*
3 *in the above has and will be moved to the United States District Court, Southern District*
4 *of California, to this Court. All parties have been Currently served pursuant to TITLE*
5 *28—JUDICIARY AND JUDICIAL PROCEDURE PART IV—JURISDICTION AND VENUE*
6 *CHAPTER 89—DISTRICT COURTS; Notice is hereby given that defendants JOHN*
7 *OTTEN, ERIC GLOVER and Does 1 to 5 inclusive hereby remove this action from the*
8 *Superior Court of California, County of San Diego to the United States District Court,*
9 *Southern District of California. The grounds for removal are as follows:*

10 *JOHN OTTEN, ERIC GLOVER and Does 1 to 5 inclusive are the defendants in the above-*
11 *entitled civil action filed in the Superior Court of California, County of San Diego, South*
12 *Bay Case No. 37-2008-00030959-CL-UD-SC.*

13
14 *B) In addition, the amount in controversy as to the claims of both parties exceeds*
15 *\$500,000.00, exclusive of interest and costs, in that defendant claims actual*
16 *damages in excess of \$500,000.00 (Five Hundred Dollars) Per- Execution of Tax*
17 *Deed Purchaser / to OCGA 23-3-60 and damages and punitive damages with*
18 *respect to each of three causes of action. Moreover, state National JOHN OTTEN,*
19 *ERIC GLOVER and Does 1 to 6 inclusive are informed and believe base thereupon*
20 *allege that the cost to JOHN OTTEN, ERIC GLOVER and Does 1 to 5 inclusive of the*
21 *equitable and injunctive relief requested by Respondents exceeds the sum of*
22 *\$500,000.00, exclusive of interest and costs.*

23 *Dated: May 15, 2008*

24 *Henceforth Submitted*

25
26 
27 *ERIC GLOVER*

DAVID R. ENDRES, APC (CA Bar No. 123564)
 THE ENDRES LAW FIRM
 2121 2ND STREET, SUITE C 105
 DAVIS, CA 95616
 TELEPHONE: (530) 750-3700
 FACSIMILE: (530) 750-3344
dendres@dre-apc.com

Attorney for Plaintiff
 DEUTSCHE BANK TRUST COMPANY, AMERICAS



The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest: MAY 21 2008
 Clerk of the Superior Court of the State of California,
 in and for the County of San Diego Pg. 1-9

H. Learned
 H. LEARNED

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

SOUTH COUNTY DIVISION

LIMITED CIVIL CASE

37-2008-00030959-CL-UD-SC

CASE NO. _____

DEUTSCHE BANK TRUST COMPANY)
 AMERICAS,)

Plaintiff,)

v.)

JOHN C. OTTEN, ERLINDA A. OTTEN,
 and DOES 1-5,)

Defendants.)

**VERIFIED COMPLAINT FOR
 UNLAWFUL DETAINER**

AMOUNT DEMANDED DOES
 NOT EXCEED \$10,000

Plaintiff alleges:

1. Plaintiff is a corporation organized and existing under the laws of the State of Delaware, and is and was at all times mentioned herein qualified to do business in California.

2. The real property, possession of which is sought in this action, is situated in San Diego County, California, in the above-named judicial district, and is commonly described as: 2689 Dalisay Street, San Diego, California 92154. Assessor's Parcel Number 637-160-41-00("the Property").

3. The true names and capacities of Does 1 through 5, inclusive, are presently unknown to plaintiff, who therefore sues such defendants under such fictitious names pursuant to

1 Section 474 of the California Code of Civil procedure. Plaintiff is informed and believes, and on such
2 information and belief alleges, that each such "Doe" defendant is in possession of the Property,
3 without the permission or consent of plaintiff, and plaintiff will amend this complaint to state the true
4 names and capacities of said defendants when the same have been ascertained.

5 4. On March 11, 2008, the Property was sold to plaintiff in accordance with Civil
6 Code Section 2924 *et seq.* under a power of sale contained in a Deed of Trust dated
7 November 9, 2005 executed by JOHN C. OTTEN AND ERLINDA A. OTTEN, husband and wife
8 as joint tenants, as trustors. Plaintiff's title pursuant to the sale has been duly perfected and a Trustee's
9 Deed conveying title to plaintiff has been duly recorded in the county where the Property is situated.
10 A copy of said Trustee's Deed is attached hereto, marked as Exhibit "A", and made a part hereof.

11 5. Plaintiff is the owner of, and entitled to immediate possession of the property.

12 6. On May 2, 2008, plaintiff caused to be served on defendants a written Notice
13 requiring defendants to vacate and deliver up possession of the Property to plaintiff within 3 days
14 after service of said Notice. A copy of said Notice is attached hereto, marked as Exhibit "B", and is
15 incorporated herein by this reference. The Notice was served in the manner provided by law and as
16 more particularly described in the attached Proof of Service, marked as Exhibit "C", which is
17 incorporated herein by this reference.

18 7. More than 3 days have elapsed since the service of said Notice, but defendants
19 have failed and refused to deliver up possession of the Property.

20 8. Defendants continue in possession of the Property without plaintiff's
21 permission or consent.

22 9. The reasonable value for the use and occupancy of the Property is the sum of
23 \$40.00 per day, and damages to plaintiff caused by defendants' unlawful detention thereof have
24 accrued at said rate since May 6, 2008, and will continue to accrue at said rate so long as defendants
25 remain in possession of the Property.

26 10. Pursuant to California Evidence Code Section 453, Plaintiff states that at the
27 time of trial it will request judicial notice be taken of certified copy of the recorded document referred
28 to in paragraph 4 hereof and all proofs of service then on file herein.

1 WHEREFORE, plaintiff prays judgment against defendants as follows:

- 2 1. For restitution and possession of the Property;
- 3 2. For damages in the amount of \$40.00 per day from May 6, 2008, and for each
- 4 day that defendants continue in possession of the Property through the date of
- 5 entry of judgment; and
- 6 3. For costs and for such other and further relief as the court may deem just and
- 7 proper.

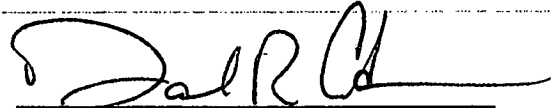
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9

10 THE ENDRES LAW FIRM

11

12 Dated: May 7, 2008

13 By: 
14 DAVID R. ENDRES, Attorney for Plaintiff
15 DEUTSCHE BANK TRUST COMPANY
16 AMERICAS
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VERIFICATION

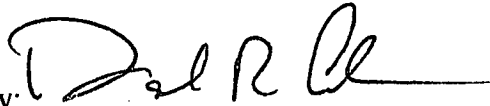
I, the undersigned, declare:

I have read the foregoing Verified Complaint For Unlawful Detainer and know its contents.

I am the attorney or one of the attorneys for DEUTSCHE BANK TRUST COMPANY AMERICAS, a party to this action. Such is absent from the county where I or such attorneys have their offices and is unable to verify the document described above. For that reason, I am making this verification for and behalf of that party. I am informed and believe and on that basis allege that the matters stated in said document are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 7th day of May, 2008, at Davis, California.

By: 
David R. Endres, APC
Attorney at Law

SUM-130

**SUMMONS
(CITACION JUDICIAL)****UNLAWFUL DETAINER—EVICTION****(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)****NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

JOHN C. OTTEN, ERLINDA A. OTTEN, and DOES 1-5

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

DEUTSCHE BANK TRUST COMPANY AMERICAS

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)FILED
SOUTH COUNTY

MAY -8 PM 3:58

SUPERIOR COURT
SAN DIEGO COUNTY, CA.

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and other property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

37-2008-00030959CL-UD-SC

(Número del Caso)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
500 THIRD AVENUE
CHULA VISTA, CALIFORNIA 91910
SOUTH COUNTY DIVISION

LIMITED CIVIL CASE

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DAVID R. ENDRES, APC (CA Bar No. 123564) (530) 750-3700
THE ENDRES LAW FIRM, A PROFESSIONAL CORPORATION (530) 750-3344
2121 2ND STREET, SUITE C105
DAVIS, CALIFORNIA 95618

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: MAY - 8 2008
(Fecha)

Clerk, by
(Secretario)

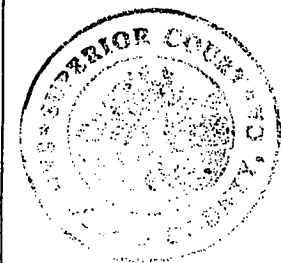
L. O. Rios

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**4. NOTICE TO THE PERSON SERVED: You are served**

- a. ☐ as an individual defendant.
b. ☐ as the person sued under the fictitious name of (specify):
c. ☐ as an occupant.
d. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEUTSCHE BANK TRUST COMPANY
AMERICAS VS. OTTEN

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

60 WALL STREET
NY, NY 10005

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

DEFENDANTS

JOHN GOTTEN, ERIC L. GLOVER
AND ALI COOPERANTS

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE

RACE OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

ERIC L. GLOVER
2689 DALISAY ST.
SAN DIEGO, CA 92154

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

(For Diversity Cases Only)

- | | | | | | |
|---|----------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.

28 USC 1441-46 REMOVAL

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PRODUCT LIABILITY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury— <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Rags <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Rel. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 28 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 401 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other		

VI. ORIGIN

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A UNDER F.R.C.P. 23

CLASS ACTION

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

X 5-19-08

Eric L. Glover

UNITED STATES DISTRICT COURT

OK